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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,440	07/29/2003	Yem Chin	BSEN119700	7928
26389	7590	11/23/2005	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			FLANAGAN, BEVERLY MEINDL	
			ART UNIT	PAPER NUMBER
			3739	

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,440

Applicant(s)

CHIN ET AL.

Examiner

Beverly M. Flanagan

Art Unit

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

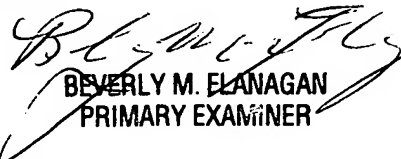
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


BEVERLY M. FLANAGAN
PRIMARY EXAMINER

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Entry of Amendment

The amendment filed September 16, 2005 has been entered and made of record.

Previously Set Forth Rejections

The 35 U.S.C. § 101 rejection of claim 15 has been *overcome*. The 35 U.S.C. § 102(b) rejection of claims 1-20 as being anticipated by Seibel (U.S. Patent Application Publication No. 2001/0055462) is hereby *maintained* and is reiterated below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Seibel (U.S. Patent Application Publication No. 2001/0055462).

In regard to claims 1, 2, 4 and 15-20, Seibel teaches a scanning optical fiber 80 comprised of a plurality of photon detectors 92 arrayed around a central optical fiber 94 (see Figure 3A). Optical fiber 94 is caused to vibrate in the direction indicated by arrow 98 by a tube piezoelectric actuator 95 through which the optical fiber extends (see

Figure 3A and section 0077). Figures 3A and 3B show that the piezoelectric actuator 95 causes the distal end of optical fiber 94 to move relative to the imaged area to increase the field of view. Since piezoelectric actuator 95 is positioned among the photon detectors 92 which are supplied electricity by a plurality of electrical leads 90a and 90b and since current would necessarily pass over the through actuator 95, piezoelectric actuator 95 is inherently metallic. **In regard to claim 3**, Seibel teaches an embodiment comprised of an optical fiber 244 that has a ball lens 245 at its distal end (see Figure 5H) as well as other embodiments with distal lenses (see lens 154 in Figure 4B). **With further respect to claims 4 and 15-19**, Seibel teaches that alternate actuators from the piezoelectric actuator 95 can be used, such as electromechanical systems having a first and second actuators (see section 0079). **In regard to claim 5**, Seibel teaches the use of illumination fibers, such as optical fiber 284 and optical fiber 300 (see Figure 6C and section 0105). **In regard to claim 6**, Seibel teaches a light source system 340 comprised of red, green and blue light sources 342, 344 and 346, respectively, and a UV light source 348 (see section 0106). Seibel also teaches retrofitting an existing endoscope 540 with the optical fiber assembly 542 where light emitted by the scanning optical fiber is reflected from a beam splitter 554 (see section 0160). **In regard to claims 7-9**, Seibel teaches that the endoscope 540 is provided with a CCD 566 and the signal produced by the CCD is conveyed through a lead 568 externally to enable imaging of tissue (see section 0160). Seibel also teaches an alternate embodiment having a computer workstation 462 with a high resolution color

monitor 464 for displaying the image (see section 0148). **In regard to claims 10-14**, see sections 0110, 0150 and 0152.

Response to Arguments

Applicant's arguments filed September 16, 2005 have been fully considered but they are not persuasive.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant has merely recited the elements of claims 1-20 and stated that the Seibel reference does not teach or suggest those elements.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

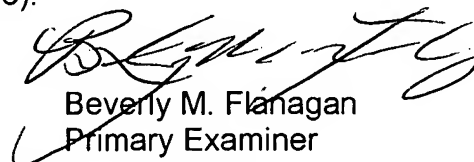
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beverly M. Flanagan whose telephone number is (571) 272-4766. The examiner can normally be reached on Mondays, Tuesdays and Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Beverly M. Flanagan
Primary Examiner
Art Unit 3739
